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THE
CAMBRO - BRITON.
FEBRUARY, 1822.

NULLI QUIDEM MIHI SATIS ERUDITI VIDENTUR, QUIBUS NOSTRA
IGNOTA SUNT.
CICERO *de Legibus.*

WELSH LAWS.

WE are now about to resume the Translation of the Laws of Hywel Dda, of which all those, affecting the economy of the royal household, under the general denomination of the Laws of the Court, have appeared in the preceding volume *. These, according to the classification in most of the existing MSS., form the first division of these ancient ordinances: what remain are of a more comprehensive character, and may be regarded as embracing the substance at least of the ancient Common Law of Wales. Hitherto our translation has been little more than a transcript of that inserted in the first volume of the Cambrian Register, which agrees, generally, with the principal copy, published by Wotton, as well as with that belonging to the Welsh School, printed in the Archaiology. The continuation of this version, however, in the second volume of the Cambrian Register, wants the methodical arrangement observed in the former part, and is at variance also, in this respect, with the two other copies, to which we have just alluded. For this reason we shall, in the sequel of this version, adhere to the copy, published in the Archaiology, occasionally collating it with the edition by Wotton, although between the two there appears no material variation. However, as the former of these has not yet appeared out of its native garb (for it constituted no part of Wotton's collection), it may be of use, with reference to the more general illustration of these ancient relics, to render that the basis of our ensuing version.

In addition to the foregoing remarks we wish to premise, that the prefatory paragraph, which follows, is extracted from

* See pp. 250, 295, 342, 393, and 439.

Wotton, and is not to be found in the Archaiology. We have, however, adopted it, as importing a degree of solemnity by no means unsuitable to the occasion, and as agreeing, moreover, with a similar proemium, which introduces the first part of these Laws *. In the copy in the Archaiology, we should also mention, there occurs, between the Laws of the Court and those translated below, an enumeration of the nine privileged witnesses, who were to be credited on their single testimony, called in Welsh *Y Naw Tavodiau* †; but, as its insertion there seems much out of place, it is reserved for a more appropriate opportunity. In other respects we shall adhere closely to the arrangement of the original, notwithstanding that its advantages are not very apparent. If, however, a separate English translation of these Laws, which they well merit, should ever be undertaken, a new and more methodical classification ought to be adopted. The present, with more gallantry, perhaps, than propriety, commences with the ordinances relating to Women.

THE LAWS OF HYWEL DDA.

[Continued from vol. ii. p. 545.]

THE COMMON LAW.

Of Women ‡.

HITHERTO, by the assistance of God, we have treated of the Laws of the Court; now, by the help of our glorious Lord Jesus Christ, we will explain the Common Law of the Country, and we begin with those relating to Women.

Of these the first is, that, if there be presents made to a married woman, they are to be considered as part of her marriage portion until the end of seven years, and, if she shall then be separated from her husband, all, that belongs to them, shall

* See vol. ii. of the CAMBRO-BRITON, p. 249.

† Arch. of Wales, vol. iii. p. 377.

‡ Arch. of Wales, ib. See also Wotton's "Leges Wallicæ," p. 73.

§ This, according to Wotton, was to take place "if three nights from the seventh year had elapsed before the separation." The word, above translated "marriage portion," is *agwedi* or *egwedi*, and is explained, in another part of the Laws, to mean the portion given by the parents of the wife on her marriage.

be divided into two parts §. It belongs to the wife to partition, and to the husband to choose.

The swine shall go to the husband, and the sheep to the wife ; but, if there be but one sort, let it be divided into two equal portions ; and, if there be sheep and goats, the sheep go to the husband and the goats to the wife ; if but one sort, let it be divided.

Of the children two parts go to the father and one to the mother : the eldest and youngest to the father, and the middle to the mother *.

The household furniture shall be thus divided.—All the milk vessels, excepting one pail, shall go to the wife : and all the dishes, excepting one dish which shall go to the husband, shall belong to the wife. The car and yoke †, that carry the furniture out of the house, shall go to the wife. All the drinking vessels shall belong to the husband ; and to him shall belong the large sieve, and the fine sieve to the wife. The husband shall have the upper stone of the quern, and the wife the lower ‡. The bed-clothes, that are worn uppermost, shall belong to the wife : those, that are underneath, the husband shall have until he marries again, and afterwards he shall restore them to the wife. And, if another wife lie with him in these clothes, she shall pay to the former wife a satisfaction for the affront §.

* In the original *pervedd*, which means, abstractedly, the middle part, and is hence used for the entrails or bowels.

† The words, in Welsh, are *cár a iau*, which Wotton translates *carrus cum jugo*. The *car* was of several sorts, and the Welsh anciently used four kinds of yokes, called *beriau*, *meiiau*, *cesiliau*, and *hiriau*. The car and yoke, here alluded to, must have been those commonly employed, and such as are still in use in some parts of North Wales, particularly in Merionethshire.

‡ The particular nature of these mills cannot now, perhaps, be ascertained ; but, as they composed a part of the household furniture, they may have been similar to the Scotch querns. The original term is *breuan*. There was anciently in use, in Wales, a curious sort of mill, which, having been once put in motion, worked afterwards of itself. W. Salisbury had one in 1574, and Dr. Davies mentions the discovery of a shaft of a wheel belonging to one some years subsequently, at Bryn y Castell, in Merionethshire, and which he minutely describes.

§ Literally “shame of face,” *gwynebgarth* ; the word occurs often in the Welsh Laws, but is sometimes written *gwynebgarth*, which implies the price of the face. Wotton renders the word, on this occasion, by “*multa honoris violati.*”

The husband shall have the kettle, the rug*, the cushions and trestle †, the coulter, the felling hatchet, the auger, the settle‡, and all the reaping-hooks, excepting one, which shall go to the wife. The wife shall have the pan, the trivet§, the common axe, the saw, the plough-share, the whole of the flax ||, the linseed, the wool, the house-bag and all that it contains, except gold or silver, and that is to be divided; for house-bags ¶ are hand-bags. If there are webs to divide, the little balls shall go to the children, if there be any; if not, let them be divided. The barn belongs to the husband, with all the corn that may be above or under the ground. The husband shall have all the hens and one cat; and the rest go to the wife.

The victuals shall be thus divided: the wife shall have the meat, as well as the cheese, that is in salt; and, after it is hung to dry, the husband owns it. The vessels of the broken butter and the broken cheese ** belong to the wife. The wife shall have as much meal, as, with the strength of her hands and knees, she can carry from the store-room †† to the house.

Both of them shall retain their own clothes, excepting their cloaks, and those shall be divided.

* *Brycan*, translated, by Wotton, *gausapa*. It is any rough cloth, such as a blanket or rug. It may mean here a carpet.

† The original words are *gobenydd a thrawstyle*, which it is not very easy to translate. Wotton renders them by one word, *cervicalia*, and considers the last term in the original to be a corruption of *teisban tyle*, which signifies the centre of the homestead and must have been, consequently, affixed to dwelling. Wotton appears, therefore, to be wrong; and the word is, more probably, to be derived from *trawc* and *tyle*.

‡ Here again, Wotton is at fault. He translates *perging* by *anthepla*, a stew-pan. There is abundant authority, however, for the translation above given, notwithstanding the conflicting conjectures of which Wotton speaks: there is scarcely a farm-house in Wales which has not, even now, its old family settle, or *perging*.

§ *Trybedd*, original; *tripos*, Wotton. The *trybedd* was an utensil used for holding pans and kettles over a hearth-fire. It is still common in some parts of Wales, where the luxury of stoves and grates is still unknown.

|| *Llin achlan*. The utensils, and other articles, here specified, differ materially from those in Wotton.

¶ Mr. Richards, in his Dictionary, most unaccountably, considers the original word *here*, *trythgwd*, as synonymous with *tlybau*, jewels. Perhaps he fell into this error by finding, that the *trythgwd* was employed for carrying jewels, and so, by a figure, mistook the container for the contained.

** *Llestri ymenyn bulch, a'r cau's bulch.* †† *Cell*.

If the husband be privileged, let him show his privilege before the partition; and, after he has had his privilege, let the division take place as above stated.

Let their debts be divided into two parts.

If the separation take place before the end of the seventh year, let the husband deliver to the wife her marriage portion, her paraphernalia, and her maiden fee *. If she was betrothed when a maiden, she ought to have whatever utensils are in use †; and, if, before the seventh year, she shall desert her husband, she shall lose the whole of these, excepting her maiden-fee and her satisfaction for partial abduction ‡.

If, however, the husband should be leprous, should have a foul breath, or be unable to discharge his marital duties; if, from either of these causes, she should desert him, he ought to return all that belongs to her.

If, from the death of the husband, the separation takes place, she ought to have half of every thing, but the corn §; for no wife can have any corn except a bride ||.

In case of a separation through the near decease of either, the sick party shall divide with the aid of the priest ¶, and the other shall choose. The sick party ought not to bequeath any thing except mortuaries to the church, and the lord **, and the payment of his debts; and, although they are bequeathed, the son may break through the bequest: but he shall be styled an incor-

* The original words are *ei hagwedi*, *a'i hargyerau*, *a'i chowyll*, which Wotton renders by *dos*, *paraphernalia*, *et antipherna*. We have already given an explanation of *agwedi*;—*argyvrau* means, generally, jewels or ornaments, and may imply, here, such as the wife brings with her;—the last word, *cowyll*, denotes the settlement made by the husband on the wife the morning after his marriage, and was similar to the *morgengabe* of the Germans. In Wales it was considered as the price of the bride's virginity.

† In the original, *ar ei garn*.

‡ *Gwynghgwerth am ei godwyn*.

§ Wotton's copy makes no exceptions.

|| *Gwraig byrys*: Wotton translates it *sponsa*. It would appear from this and some other passages, that different degrees of marriages, or rather of connubial contracts, were formerly known in Wales.

¶ The original word here is *periglaur*, which Wotton renders by *parochus*. It appears to have meant, here, the priest, by whom extreme unction was administered, and who was, in such a case, allowed to assist the dying person. This mode of partition was called *ysgar byw a marw*, or a sharing between the living and the dead.

** The “lord” is not mentioned in Wotton.

rigible son*. Whoever shall violate a bequest, that is to say, of mortuaries or debts, shall be accursed.

If, while living, the separation should take place, the wife may abide with her property in the house for nine days and nine nights, that it may be known whether the separation is legal; and, if, at the end of the ninth day †, the separation should prove to be right, she may depart, her goods first, and, after the last penny †, herself.

The fine for the insult of a woman, when married, shall be according to the rank of her husband, that is to say, the fine of her husband §; before she is married, according to the rank of her brother, namely, the half of her brother's fine. The satisfaction for the murder of a woman, whether she be married or not, is half that of her brother.

If a man desire another wife, after having parted from his first, the former shall be free. After a man has parted from his wife, and she has been married to another, and the first husband repents of having parted from her, if he overtake her with one foot within the bed [of her second husband] and the other outside, he shall have his wife again.

If a married woman shall have committed any disgraceful act, *contrary to her conjugal duty* ||, the husband shall receive a satisfaction for the injury.

If she be convicted of adultery, the satisfaction for the injury shall be increased one half; for this is to be regarded as a species of enmity.

If the husband shall deny his adultery, he shall clear himself by the oaths of fifty men, and the wife by the oaths of so many women.

* *Mab anwar*—rendered, by Wotton, *filius improbus*: *anwar* is, literally, wild or ungentle, but appears here to have a technical signification.

† This has allusion to a time of appearance in law; the original word is *nawreddydd*, and does not occur in Wotton.

‡ This is a literal translation of the original terms, which seem to imply the last particle of the wife's property. Wotton's edition has, in this place, many various readings as well as additions.

§ Wotton has here, “the third part of her husband's fine,” viz. *traean sachâed ei gur*.

|| We may say of these Laws, as has been said of a celebrated Roman poet, that *quibusdam locis nolumus eas interpretari*. This is one of those

Whoever shall have clandestinely enticed a maiden, and, before they are united, she shall ask him “What art thou willing to give me?” and he shall state what he will bestow upon her, and that on his faith; if, after this, he shall attempt to deny it, and she take legal measures against him, then shall her word be good evidence; for he had taken her to a place where there were no legal witnesses*.

[*To be continued.*]

GENEALOGY OF THE SAINTS†.

[Continued from p. 140.]

E.

EDEYRN, the son of Nudd, or Lludd, ab Beli ab Rhun ab Maelgwn Gwynedd ab Caswallon Law Hir ab Einion Yrth ab Cunedda. He is the patron saint of Bod Edeyrn, in Mon, and of Llanedeyrn, in Lleyn.

EDWEN, a female saint of Saxon lineage, being either the daughter or niece of Edwin king of Northumberland, who was educated at the court of Cadwan, in Caer Segaint. To her is dedicated Llanedwen, in Mon.

passages, which, however, we will venture to give in the words of Wotton: “*Si facinus turpe matrona perpetraverit, vel dando suavia, vel palpandam se præbendo, vel corporis copiam dando, viro ejus, &c.*” The two places below, wherein the sense is supplied by asterisks, relate to the same particulars. It deserves to be remarked, that similar provisions occur in the laws of Alfred (sec. 11 and 18), which affords an additional proof of the assistance he must have received, through Aserius Menevensis, from the Welsh Laws, while compiling his own famous code.

* The word in the original here is *neithiorwyr*, translated by Wotton *pronubi*, which, however, does not convey the full meaning of the Welsh term. A *neithiorwr* seems to have been one who attended the completion, or consummation, of the marriage ceremony. In the case, therefore, of a clandestine marriage, the unsupported testimony of the bride was admitted against the husband, and she is, accordingly, mentioned as one of the nine privileged witnesses, to whom we have adverted in the prefatory part of this article. A woman, married without witnesses, had, by the ancient law of Gwynedd, no more for her portion than three heifers; but, by the custom of Dyved, she was entitled to the same dowry as if she had been regularly betrothed by her parents.

† *Arch. of Wales*, vol. ii. pp. 49-52.